

Remarks

Applicants have canceled claims 1-18 and have added new claims 19-39. Support for the added claims is found in the specification and claims as filed.

Support relating to “a method for treating asthma or allergy” is found, for example, on page 8, lines 12-14, page 12, line 30-3, and page 41 line 28-page 42 line 2, as well as Example 12.

Support for “administering to a subject” is found on page 8, lines 11-16 and page 17, lines 1-2.

Support for “an immunostimulatory oligonucleotide comprising an immunostimulatory motif comprising a 5'-cytosine-guanine-3'” is found throughout the specification, i.e. in the summary of the invention, on page 7 line 13- page 8 line 3 and page 14 lines 10-25.

Support for “wherein the immunostimulatory oligonucleotide is administered without an allergen” is found at least on page 41 lines 18-31. Support for administering an immunostimulatory oligonucleotide without an antigen/allergen is found also, for example, in the summary of the invention where it is stated that “Further, by redirecting a subject's immune response from Th2 to Th1, the instant claimed nucleic acid molecules can be administered to treat or prevent the symptoms of asthma. In addition, the instant claimed nucleic acid molecules can be administered in conjunction with a particular allergen to a subject as a type of desensitization therapy to treat or prevent the occurrence of an allergic reaction.” The use of the nucleic acids to promote Th1 cytokines is also described throughout the specification and the role of Th1 cytokines in asthma is described.

Support for “in an amount effective to treat asthma” is found on page 42 lines 26-28.

Support for “subject is selected from the group consisting of human, dog, cat, horse, and cow” is found, for example, at: page 17 lines 1-2.

Support for the “immunostimulatory motif comprises a CG flanked by two 5' purines and two 3' pyrimidines” is found, for example, on page 18 lines 25-34 and in numerous sequences provided throughout the specification.

Support for “the immunostimulatory motif comprises more than one CG dinucleotide” is found at: page 18 lines 10-13.

Support for “the immunostimulatory motif comprises AACGCTCG” is found within sequence ID 24 and generically described on page 18.

Support for “the immunostimulatory motif comprises the sequence 5'-AACGTT-3'.” is found at: page 18 lines 37-39.

Support for “the immunostimulatory motif comprises a nucleotide sequence selected from the group consisting of AGCGTC, GACGTT, GACGTC, AACGTT, and AGCGTT” is found within SEQ ID 17 (AGCGTC), SEQ ID 35 (GACGTT), SEQ ID 10 (GACGTC), SEQ ID 22 (AACGTT), and SEQ ID 17 (AGCGTT).

Support for “the immunostimulatory motif comprises a nucleotide sequence comprising:

$X_1X_2CGX_3X_4$

wherein X_1X_2 is selected from the group consisting of GpG, GpA, and ApA, and X_3X_4 is selected from the group consisting of TpT and CpT” is found at: page 7 lines 26-34.

Support for “the immunostimulatory motif comprises a nucleotide sequence comprising:

X_1CGX_2

wherein X_1 is selected from the group consisting of G and A, and X_2 is selected from the group consisting of T and C.” is found at: page 14 lines 10-15.

Support for “the immunostimulatory oligonucleotide is administered by injection” is found at: page 42 lines 4-10.

Support for “the immunostimulatory oligonucleotide is administered to skin by transdermal route” is found at: page 42 lines 4-10.

Support for “the immunostimulatory oligonucleotide is administered by a route that allows the oligonucleotide to be taken up by the appropriate target cells” is found at: page 42 lines 4-10.

Support for “the immunostimulatory oligonucleotide is administered by a route that allows the oligonucleotide to be taken up by the appropriate target cells” is found at: page 42 lines 4-10.

Support for “the immunostimulatory oligonucleotide is administered to the airway of the subject” is found at: page 41 lines 29-34, describing the role of Th2 cytokines in the airway in the induction of asthma and the importance of shifting to a Th1 response.

Support for “the immunostimulatory oligonucleotide is linked to a molecule”, “the molecule is a targeting moiety”, and “the molecule interacts with a target cell surface” is found at: page 39 line 35 – page 40 line 40 and page 15 lines 28-37.

Support for “the immunostimulatory oligonucleotide is linked to a target cell specific binding agent” is found at: page 39 line 35 – page 40 line 40 and page 15 lines 28-37.

Support for “administering an immunotherapeutic agent” is found at: page 41 lines 5-9.

Support for “eosinophil accumulation in lung tissue is reduced” is found at: page 41 lines 28-34 and Example 12.

Support for “inflammation is prevented” is found at: page 41 line 35 – page 42 line 2, and Example 12 on page 51 lines 20-24.

Support for “the subject is a human” is found at: page 17 lines 1-2.

Pursuant to 37 C.F.R. § 1.604(a), Applicants seek to have an interference declared with US 6,498,148 B1 (Raz), issued December 24, 2002. Applicants seek to have an interference declared with US 6,498,148 B1 because the subject matter claimed in US 6,498,148 B1 was invented by Applicants as is disclosed in one or more of the applications to which this application claims priority, such as the application now issued as US 6,207,646 B1.

Applicants propose a count for an interference as follows:

Proposed Count 1

Claim 1 of US 6,498,148 B1

or

Claim 20 of this application

Respectfully submitted,



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